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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attention: Examiner J. FENTY
Art Unit: 2815

Re: D. HISAMOTO et al - U.S. Appln. Ser. No. 10/726,507
Your Ref.: 310201326US01 - Our Ref. No.: 843.43311X00

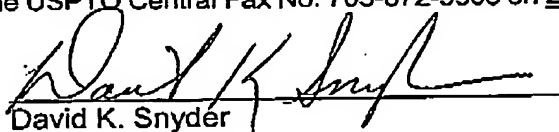
**SUBMISSION OF RESPONSE AND REQUEST FOR
CLARIFICATION OF OFFICE ACTION**

Sir:

Applicants hereby submit the attached "Submission of Response and Request for Clarification of Office Action" (2 pgs), in the above-identified application.

CERTIFICATE OF TRANSMISSION:

I hereby certify that the attached "Submission of Response and Request for Clarification of Office Action", is being formally filed via the USPTO Central Fax No. 703-872-9306 on **28 April 2005.**


David K. Snyder

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APR 28 2005

843.43311X00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: D. HISAMOTO et al
Serial No.: 10/726,507
Filed: December 4, 2003
For: FABRICATION METHOD AND STRUCTURE OF
SEMICONDUCTOR NON-VOLATILE MEMORY DEVICE
Group: 2815
Examiner: J. FENTY

RESPONSE AND REQUEST FOR CLARIFICATION OF OFFICE ACTION

Commissioner for Patents
POB 1450
Alexandria, VA 22313-1450

April 29, 2005

Sir:

In reply to the Restriction Requirement, dated April 6, 2005,
reconsideration and/or clarification is requested for the reasons set forth below.

In the April 6, 2005 Office Action, it is indicated that restriction is required
between Group 1 (claims 1-21, drawn to a semiconductor device, and Group II
claims 22-29 drawn to a method of making semiconductor devices.)


With regard to this Restriction Requirement, applicants hereby elect the
Group I claims 1-21, drawn to a semiconductor device. With regard to this, it is
noted that the Group II method claims 22-29 have already been canceled,
without prejudice to the applicants right to file a divisional application directed to
these claims, by way of the Preliminary Amendment filed on December 4,

2003, noting that this Preliminary Amendment was filed together with the new application on that date. Accordingly, clarification is requested in the next Office Action since it is not clear from the April 6, 2005 Office Action as to whether the Preliminary Amendment filed with the new application on December 4, 2003 has, in fact, been considered.

If the Examiner believes that there are any other points which may be clarified or otherwise disposed of either by telephone discussion or by personal interview, the Examiner is invited to contact Applicants' undersigned attorney at the number indicated below.

To the extent necessary, applicants petition for an extension of time under 37 CFR §1.136. Please charge any shortage in the fees due in connection with the filing of this paper, to the Deposit Account of Antonelli, Terry, Stout & Kraus, LLP, Dep. Acct. No. 01-2135 (843.43311X00), and please credit any excess fees to such deposit account.

Respectfully submitted,
ANTONELLI, TERRY, STOUT & KRAUS, LLP



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